

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| Cynthia L. Craighead,              | ) |                       |
|                                    | ) | C/A No. 0:10-2410-MBS |
| Plaintiff,                         | ) |                       |
|                                    | ) |                       |
| vs.                                | ) |                       |
|                                    | ) | <b>ORDER</b>          |
| Michael J. Astrue, Commissioner of | ) |                       |
| Social Security,                   | ) |                       |
|                                    | ) |                       |
| Defendant.                         | ) |                       |
| _____                              | ) |                       |

Plaintiff Cynthia L. Craighead filed the within action on September 15, 2010, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's application for disability insurance benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On November 7, 2011, the Magistrate Judge issued a Report and Recommendation in which she noted that the Administrative Law Judge had failed to address certain notes and medical records of Plaintiff's treating physicians. The Magistrate Judge further noted that, as a result, she was unable to determine whether the Administrative Law Judge's decision with regard to Plaintiff's treating physicians was supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the decision be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and that the case be remanded to the Commissioner for further administrative action. On November 28, 2011, and November 29, 2011, the Commissioner and Plaintiff, respectively, filed a Notice of Not Filing Objections to the Report and Recommendation of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The decision of the Commissioner is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and the case is remanded to the Commissioner for further administrative action as set forth hereinabove and in the Report and Recommendation.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

November 29, 2011.